

OFFICIAL COPY

Fresno, California

February 9, 1999

The City Council met in joint session with the Redevelopment Agency at the hour of 8:40 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember (arrived later)
	Dan Ronquillo	Councilmember
	Ken Steitz	President (arrived later)

Andy Souza, Director of Administrative Services  
Dan Fitzpatrick, Agency Executive Director  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY )

APPROVE AGENCY MINUTES OF FEBRUARY 2, 1999 )

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the Agency minutes of February 2, 1999, approved as submitted.

(“A”) CONSIDER CONTINUATION OF NOTICED MEETING TO CONSIDER )  
FINDING THAT ADOPTED PROCEDURES WERE FOLLOWED IN ELECTING )  
THE PROJECT AREA COMMITTEE FOR THE PROPOSED CENTRAL CITY )  
COMMERCIAL REHABILITATION REDEVELOPMENT PROJECT AND )  
CONFIRMING ELECTION OF MEMBERS OF THE COMMITTEE )  
(COUNCIL ACTION - REQUEST TO CONTINUE TO 2/23/99, AT 8:30 A.M.) )

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **Item “A”**, continued to February 23, 1999, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo
Noes	:	None
Absent	:	Quintero, Steitz

(“B”) AWARD CONTRACT FOR DEMOLITION AND SITE CLEARANCE )

FOR THE KEARNEY PALMS SHOPPING CENTER, AREA BOUND BY )  
FRESNO STREET, "B" STREET, TUOLUMNE STREET AND FREEWAY 99 )  
(AGENCY ACTION) )

("C") AWARD CONTRACT FOR REMOVAL OF ASBESTOS CONTAINING )  
MATERIALS FROM BUILDINGS TO BE DEMOLISHED FOR THE KEARNEY )  
PALMS SHOPPING CENTER (AGENCY ACTION) )

Agency Director Fitzpatrick responded to questions of Acting President Mathys relative to clearance for the soil contamination clean up, simultaneous opening of the police substation and the shopping center, and execution of the major leases. Councilmember Quintero arrived at 8:42 a.m.

Acting President Mathys expressed his support and wished southwest Fresno much success with their new shopping center, and Chair Ronquillo commended the Agency members and staff for all their efforts. Mr. Fitzpatrick advised staff had worked overtime in assembling the site and making purchases and relocations and the task was 97% completed.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, a contract hereby awarded to Kroeker, Inc. in the amount of \$130,206.00 for the demolition and site clearance for the Kearney Palms Shopping Center; and a contract hereby awarded to Selby Environmental, Inc. in the amount of \$78,990.00 for the removal of asbestos containing materials from buildings to be demolished for the Kearney Palms Shopping Center, subject to no appeals being received by 5:00 p.m. on February 9<sup>th</sup>, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Steitz

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The joint bodies adjourned at 8:43 a.m. and the City Council convened in regular session at 9:05 a.m. with all members present.

Director of Administrative Services Souza gave the invocation.

Councilmember Boyajian led the Pledge of Allegiance to the Flag.

PROCLAMATION OF "ACTS OF KINDNESS WEEK" - MAYOR PATTERSON )

Read and presented.

PROCLAMATION OF "THE FRESNO LINKS, INC. SICKLE CELL ANEMIA )  
DISEASE AWARENESS WEEK" - MAYOR PATTERSON )

Read and presented.

133-76  
PROCLAMATION OF "DR. JAMES WINTER WEEKEND" - MAYOR )

2/9/99

PATTERSON )

Read and presented.

PROCLAMATION OF “DONATE FOR LIFE DAYS” )

Read and presented.

RESOLUTION OF COMMENDATION TO VON DOSTA FULLER, FIRE )  
PREVENTION INSPECTOR )

Read and presented.

PROCLAMATION OF “ANNE F. GOODMAN DAY” - COUNCILMEMBER )  
BOYAJIAN )

Read and presented.

RESOLUTION OF COMMENDATION TO THE FRESNO ELKS LODGE #439 )  
FOR 100 YEARS OF SERVICE TO THE COMMUNITY - ACTING PRESIDENT )  
MATHYS )

Read and presented.

PROCLAMATION OF “THE FRESNO DRAGONS SOCCER TEAM DAY” - )  
COUNCILMEMBER PEREA )

Read and presented.

PRESENTATION OF DISTRICT 7 STUDENT OF THE QUARTER AWARDS - )  
COUNCILMEMBER PEREA (ADD-ON) )

Presented.

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Councilmember Perea briefly left the meeting at 9:46 a.m.

**APPROVE AGENDA:**

(3B) \*BILL FOR INTRODUCTION AMENDING THE FRESNO MUNICIPAL )  
CODE RELATING TO ESTABLISHING CAMPAIGN CONTRIBUTION LIMITS )  
FOR CANDIDATES FOR ELECTED OFFICE - COUNCILMEMBER BREDEFELD )  
(ACTED ON LATER IN THE MEETING) )

10:00 a.m. item.

(11:30 A.M.) CONTINUED HEARING TO CONSIDER A RESOLUTION )  
APPROVING THE BEHYMER-CHESTNUT NO. 3B REORGANIZATION FOR )  
THE DETACHMENT OF 4.6 ARES FROM THE FRESNO COUNTY FIRE )  
PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION )  
DISTRICT, AND ANNEXATION OF THE SAME TERRITORY TO THE )  
CITY OF FRESNO )

City Clerk Klisch advised there had been a request by staff, with concurrence of the affected property owner, to continue the matter to March 2nd.

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the hearing on the Behymer-Chestnut No. 3B Reorganization continued to March 2, 1999, at 11:30 a.m., by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : Perea

RECEIPT OF REPORT FROM AMERICAN AMBULANCE ON DELAYED )  
RESPONSE INCIDENT - PRESIDENT STEITZ )

President Steitz advised the report had been received and had been distributed to Council, and noted it was very comprehensive and addressed issues and concerns expressed by Council.

On motion of Acting President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : Perea

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**ADOPT CONSENT CALENDAR:**

Councilmember Perea returned to the meeting at 9:49 a.m.

(1A-1) AWARD A CONTRACT FOR THE BASE BID AND ADD ALTERNATE )  
II (FOR DUCTILE IRON PIPE), TO KELLY CONSTRUCTION IN THE AMOUNT )  
OF \$690,514.00 FOR INSTALLATION OF A 24" WATER MAIN IN ASHLAN, )  
WINERY AND DAKOTA AVENUES )

(1A-2) AWARD A CONTRACT TO SPINIELLO COMPANIES IN THE AMOUNT )

OF \$7,666,140.00 FOR SANITARY SEWER REHABILITATION BY METHOD OF )  
CURED IN PLACE PIPE )

**(1A-3) RESOLUTION NO. 99-36 -** AUTHORIZING THE CITY TO SUBMIT )  
GRANT APPLICATIONS TO THE SAN JOAQUIN UNIFIED AIR POLLUTION )  
CONTROL DISTRICT FOR FUNDING UNDER THE REDUCE MOTOR VEHICLE )  
EMISSIONS (REMOVE) PROGRAM )  
1. AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AND )  
SUBMIT ALL DOCUMENTS INCLUDING BUT NOT LIMITED TO, APPLI- )  
CATIONS, AGREEMENTS, AMENDMENTS AND PAYMENT REQUESTS )  
WHICH MIGHT BE NECESSARY FOR THE COMPLETION OF THE PROJECTS )

**(1A-4)** APPROVE THE SCHEDULED AIRLINE MONTH-TO-MONTH TENANCY )  
AND OPERATIONS AGREEMENT WITH HORIZON AIR INDUSTRIES, INC. AT )  
THE FRESNO YOSEMITE INTERNATIONAL AIRPORT; AND AUTHORIZE )  
THE DIRECTOR OF TRANSPORTATION TO EXECUTE SAME ON BEHALF OF )  
THE CITY )

**(1A-5)** APPROVE THE LEASE AND AGREEMENT FOR AIRCRAFT RAMP )  
FACILITIES AND OFFICE SPACE AT FRESNO YOSEMITE INTERNATIONAL )  
AIRPORT WITH ABX AIR, INC.; AND AUTHORIZE THE DIRECTOR OF )  
TRANSPORTATION TO EXECUTE SAME ON BEHALF OF THE CITY )

**(1A-6) RESOLUTION NO. 99-37 -** AUTHORIZING THE PUBLIC WORKS )  
DIRECTOR TO EXECUTE A DEED OF EASEMENT TO P.G.&E. ACROSS )  
THE CITY'S WELL SITE NO. 69A, PROPERTY LOCATED ON THE WEST )  
SIDE OF FRESNO STREET SOUTH OF SHIELDS AVENUE )

**(1A-8) RESOLUTION NO. 99-38 -** APPROVING FINAL MAP FOR TRACT NO. )  
4840, PHASE II OF TENTATIVE TRACT NO. 4567, A 38-LOT SINGLE-FAMILY )  
RESIDENTIAL SUBDIVISION ON THE NORTHWESTERLY CORNER OF N. )  
DANTE AND N. CORNELIA AVENUES, AND ACCEPTING DEDICATED )  
PUBLIC USES THEREIN )  
1. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE )  
STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT )  
DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER )  
CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND )  
DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE )  
OF OCCUPANCY AND CREATION OF LIEN )  
2. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE )  
SUBDIVISION AGREEMENT )

**(1A-9) RESOLUTION NO. 99-39 -** 9<sup>TH</sup> AMENDMENT TO SALARY RES. )

98-161 RETITLING ONE CLASS, RETITLING AND AMENDING THE SALARY )  
RANGE OF ONE CLASS, AMENDING THE SALARY RANGE OF THREE )  
CLASSES, AND CREATING TWO NEW CLASSES )

**(2 - 0)** On motion of Acting President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

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**(9:45 A.M.)** APPEARANCE BY RAY AVILA, PRINCIPAL OF KRATT )  
ELEMENTARY SCHOOL )  
1. DIRECT STAFF TO INSTALL TWO SETS OF PAVEMENT UNDULATIONS )  
(SPEED BUMPS) ON N. COLONIAL BETWEEN SIERRA AND PAUL, ADJACENT )  
TO KRATT ELEMENTARY SCHOOL - ACTING PRESIDENT MATHYS )

Briefly reviewed by Acting President Mathys who advised this was a safety issue citing the tremendous amount of traffic and excessive speed in the area, and requested Council's support for the speed bumps.

Kratt Principal Ray Avila spoke in support and urged Council's support. A motion and second to approve direction was acted upon after brief discussion.

Councilmember Perea stated other schools had the same problem and suggested this be looked into as a city-wide issue. Councilmember Ronquillo stated his support for the motion and other related incidences around schools and churches. Councilmember Bredefeld stated he supported the use of speed bumps but the real solution to the problem was additional traffic enforcement officers and expressed his hope that Council would set a policy and mandate a commitment to resources. Acting President Mathys added traffic officers were present in the area and were issuing citations. Upon question of President Steitz, an unidentified resident on Paul Avenue stated the request was well supported by area residents.

On motion of Acting President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff directed to install two sets of pavement undulations (speed bumps) without warrants on N. Colonial Avenue between Sierra and Paul adjacent to Kratt Elementary School, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo  
Noes : None  
Absent : None  
Abstain : Steitz

Mr. Avila expressed his thanks to Council.

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**(10:00 A.M.) INITIATION OF GENERAL PLAN UPDATE ALTERNATIVE 10Z     )**  
**1. RESOLUTION NO. 99-40 - INITIATING THE GENERAL PLAN UPDATE     )**

Planning Manager Yovino reviewed the background of the issue and stated alternative 10Z was being presented for initiation and to serve as a basis for joint discussions with Clovis and the County, and emphasized this would not commit the City to the plan in any way.

Acting President Mathys expressed his concerns with the plan relative to expanding to Friant, on the need to invest back into the inner-city, on preserving farm land, and faulted Fresno County on leap-frog development projects.

Jeff Harris, Building Industry Association (BIA), responded to questions of President Steitz stating 10Z had not yet been reviewed relative to consistency with the “Landscape of Choice” (LOC) document, and spoke in support of initiation of the plan and future debate and discussions.

Mr. Yovino responded to questions of Councilmember Bredefeld relative to what initiation would entail, why it was not carried out a year ago, and if Fresno County needed to adopt their plan prior to the City. Councilmember Bredefeld stated he looked forward to the three bodies meeting together, expressed his concern with 10Z relative to growth rate projections, concurred with Acting President Mathys relative to leap-frog development and investing back into the inner-city adding amenities were needed to attract people downtown, and concluded stating the “LOC” should be followed. Upon question, President Steitz stated the joint meeting was now being organized and the issue of the County’s indication of not being present was being addressed. Councilmember Bredefeld stressed it would be very unfortunate if the County did not participate reiterating all entities needed to sit at the table and regionally plan. A motion and second to adopt the Resolution was acted upon after additional discussion.

Councilmember Ronquillo commented on the issue relative to growth, expansion, current infrastructure, cost for expanding up and not out, preventing the “Los Angelization” of the San Joaquin Valley, and on the need for smart planning and reaching a consensus that meets the needs of all adding growth was a reality.

Upon question of Councilmember Quintero, Mr. Yovino stated staff had been present at “LOC” meetings and felt the 10Z plan was very close to recommendations contained in the “LOC” document, and relative to southeast prime ag land and leap-frog development, stated something would need to be placed in the plan to insure that prime ag land would not be prematurely converted to urban uses and to prevent leap-frog development adding 10Z would cover that. Councilmember Ronquillo briefly left the meeting at 10:28 a.m.

Councilmember Perea stated his concern had always been growth to the suburbia at the expense of the inner-city; stated he supported expansion but not what was on the table now and he would be very cautious on how the City expanded; noted his support for “LOC”; stressed it was imperative that Fresno County come to the table on this issue; and relative to urban growth boundaries stated if no consensus could be reached he would be a strong advocate of the State invoking mandates such as those in Oregon and other states and explained.

City Council to encourage them to participate in the joint meeting citing concerns expressed that it would be unproductive due to the three-body format; clarified there would be plenty of opportunity for public input on the plan, and relative to state mandates, stated he would be strongly opposed and emphasized he would do all he could to stop that from happening as local bodies were more than able to plan.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 99-40 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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Councilmember Ronquillo returned to the meeting at 10:38 a.m.

**(3B) \*BILL FOR INTRODUCTION AMENDING THE FRESNO MUNICIPAL )**  
**CODE ESTABLISHING CAMPAIGN CONTRIBUTION LIMITS FOR CANDIDATES )**  
**FOR ELECTED OFFICE - INITIATED BY COUNCILMEMBER BREDEFELD )**  
**1. \*RESOLUTION - DESIGNATING AN ENFORCEMENT AUTHORITY TO )**  
**ENFORCE THE CAMPAIGN CONTRIBUTION LIMITS IN ARTICLE 22 OF )**  
**CHAPTER 2 OF THE FRESNO MUNICIPAL CODE )**

Councilmember Bredefeld reviewed the background of the issue and Proposition 208; stated it was time to reinstate the local ordinance which had been in effect for 10 years; stressed false arguments were being made as candidates would still be bound by the FPPC; emphasized the issue was trust and integrity and this would reduce special interest influences; and urged Council's support and made a motion to introduce the bill and resolution, which was seconded and acted upon after brief discussion.

Louie Rudd, Officer of CFGI and speaking as a concerned citizen, spoke in support of the ordinance.

Acting President Mathys stated all elected officials statewide were held accountable by FPPC guidelines and added he felt they should be the enforcement authority and explained; advised another concern was this would place a heavier workload on the City Attorney; and requested the issue be held off until the appeal judge ruled on Proposition 208 adding if it was overturned something could then be brought back.

Councilmember Ronquillo stated by Charter candidates were prohibited from raising funds at this time and explained; noted the State's guidelines were more stringent and commented on reporting contributions; and concurred with the suggestion to hold off until a decision is made on Proposition 208 adding the issue could become a critical one in eleven months and explained.

**\*\*Visiting students from Thomas Elementary School were recognized and welcomed.**



enacted and Proposition 208 was ruled constitutional, it would pre-empt the city's ordinance, and confirmed at this time candidates were prohibited from raising funds.

Councilmember Perea stated limits should be in place, stressed he supported a level playing field citing last year's Governors race and personal wealth, and recommended an amendment to the ordinance to limit personal contributions to one's own campaign, with President Steitz noting that was a separate issue and recommended it be scheduled at another time. President Steitz stated the Governor's race proved money could not buy an election adding he did not believe every elected official had a price, and stated his support for the State's guidelines until a decision was rendered by the courts.

A motion of Councilmember Bredefeld, seconded by Councilmember Perea, to introduce the above entitled Bill and Resolution failed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea
Noes	:	Mathys, Quintero, Ronquillo, Steitz
Absent	:	None

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**(3A) \*BILL NO. B-8 - ORDINANCE NO. 99-8 - AMENDING SECTION** )  
9-804 OF THE FRESNO MUNICIPAL CODE RELATING TO PUBLIC )  
NUISANCE PAY TELEPHONES (REVISED BILL) - INITIATED BY COUNCIL- )  
MEMBER PEREA (CONSIDERED AGAIN LATER IN THE MEETING) )

Councilmember Perea briefly reviewed the issue and made a motion to adopt the ordinance, which was seconded and acted upon after brief discussion.

Acting President Mathys stated his opposition to the ordinance citing the many citizens, including himself, who use and rely on public phones and added nuisance phones could be dealt with by contacting the phone industry operators. Councilmember Ronquillo spoke in support stressing serious problems occurred and explained; noted the proposed ordinance was not as strong as he would like it to be; stated exaggerations were being made about removing phones; and stated he hoped practical and sound decisions could be made to enhance the entire city. Councilmember Boyajian stated his support for the ordinance citing problems with non-responsible phone operators.

Upon question of President Steitz, Deputy City Attorney Slater stated tools were not in place to deal with nuisance phones under the existing public nuisance ordinance and explained. Councilmember Perea stated the phone industry was comfortable with the ordinance citing their absence this date, and stressed this was simply a quality of life issue.

By unanimous consent, debate on the issue was closed. Councilmember Ronquillo stated based on new testimony he would withdraw his second.

above entitled Bill No. B-8 adopted as Ordinance No. 99-8, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Steitz
Noes	:	Mathys, Ronquillo
Absent	:	None

\*\*The matter was reconsidered later in the meeting wherein Councilmember Ronquillo changed his vote.

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**(11:00 A.M.) CONTESTED CONSENT CALENDAR ITEMS:**

**(1A-7) RESOLUTION NO. 99-41 - APPROVING AN AGREEMENT WITH )**  
**PACIFIC HOUSING AND FINANCE AGENCY, A JOINT POWERS AUTHORITY, )**  
**FOR THE PURPOSE OF FACILITATING A LEASE-TO-OWN PROGRAM IN THE )**  
**CITY OF FRESNO )**

Briefly reviewed by Assistant Controller Carlton who recommended approval, and along with City Attorney Montoy and Mr. Hill, responded to questions of President Steitz relative to implications if the City withdrew from the program, imposition of financial requirements on associate City members, and maximum liability to the City if the program failed. Councilmember Quintero briefly left the meeting at 11:15 a.m.

Acting President Mathys and Councilmember Ronquillo expressed their support for the program citing opportunity, realizing the dream of owning a home, and pride of ownership.

On motion of Councilmember Ronquillo, seconded by President Steitz, duly carried, RESOLVED, the above entitled Resolution No. 99-41 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Quintero

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**(1A-10) \*RESOLUTION NO. 99-42 - 12<sup>TH</sup> AMENDMENT TO PAR 98-160 )**  
**ADDING ONE POSITION TO THE REDEVELOPMENT SUPPORT DIVISION )**  
**1. \*RESOLUTION NO. 99-43 - 71<sup>ST</sup> AMENDMENT TO AAR 98-159 APPRO- )**  
**PRIATING \$24,100 IN SALARY AND BENEFITS FOR ONE NEW POSITION )**  
**IN THE REDEVELOPMENT SUPPORT DIVISION )**

Councilmember Quintero returned to the meeting at 11:18 a.m. Acting President Mathys stated he had questions relative to the financial structure of the Agency and requested a current balance sheet on each agency project showing liabilities and income generated. In the absence of Agency staff, Director of Administrative Services Souza stated Agency staff would have to address that issue and clarified the subject issue was on the City's side.

A motion and second to adopt the resolutions was acted upon after additional discussion. Upon question of Councilmember Perea, Human Resources Manager Kirschner clarified adoption of the resolutions would provide

a mechanism for Agency and Development employees to compete for a promotional opportunity thereby potentially permitting Agency employees to stay.

On motion of Acting President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 99-42 and 99-43 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

Acting President Mathys directed staff schedule his request on the February 23<sup>rd</sup> Agency agenda.

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Councilmember Ronquillo briefly left the meeting at 11:22 a.m.

**(5A)** APPROVE APPOINTMENT OF COUNCILMEMBER QUINTERO TO )  
THE FRESNO CONVENTION AND VISITORS BUREAU - PRESIDENT )  
STEITZ )

On motion of President Steitz, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the appointment of Councilmember Quintero to the Fresno Convention and Visitors Bureau hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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**(5B)** DIRECT CITY MANAGER TO DIRECT HISTORIC PRESERVATION )  
STAFF TO SUBMIT AN ANALYSIS ON THE VIABILITY OF ADOPTING )  
THE MILLS ACT - COUNCILMEMBER QUINTERO )

**(4 - 0)** Briefly reviewed by Councilmember Quintero who advised this would allow for tax breaks for properties surrounding designated historic structures.

On motion of Councilmember Quintero, seconded by President Steitz, duly carried, RESOLVED, the City Manager directed to direct Historic Preservation staff to submit an analysis on the viability of adopting the Mills Act, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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**(5C) \*RESOLUTION NO. 99-44 - 70<sup>TH</sup> AMENDMENT TO AAR 98-159 APPRO-** )

PRIATING \$7,600 TO FUND THE CALIFORNIA YOUTH OUTREACH )  
ORGANIZATION - PRESIDENT STEITZ )

On motion of President Steitz, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 99-44 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz  
Noes : None  
Absent : Ronquillo

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(5D) \*RESOLUTION NO. 99-45 - 68<sup>TH</sup> AMENDMENT TO AAR 98-159 APPRO- )  
PRIATING \$200.00 FROM DISTRICT 2's GENERAL INFRASTRUCTURE )  
CAPITAL BUDGET TO SPONSOR THE CENTRAL YOUTH BAMBINO )  
LEAGUE - ACTING PRESIDENT MATHYS )

Briefly reviewed by Acting President Mathys. Councilmember Ronquillo returned to the meeting at 11:25 a.m.

On motion of Acting President Mathys, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 99-45 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

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(5E) DISCUSSION REGARDING HONORARY RESOLUTIONS, COMMEN- )  
DATIONS, AND PROCLAMATIONS - PRESIDENT STEITZ )

President Steitz requested consensus on the amount of time to be allotted each meeting for ceremonial items stating concerns had been expressed by some Councilmembers on the time spent recently in those presentations, and advised the current rule limited Councilmembers to three presentations each.

Upon question of City Clerk Klisch, President Steitz directed proclamation requests received by the Clerk's office go through the Council President's office for determination. Discussion ensued on worthy honors and events and on setting a time limit for each Councilmember. It was clarified that although all recognitions were worthwhile the issue was the amount of time that was being spent on those presentations and its affect on other scheduled items on the agenda and unfairness to those in attendance.

By Council consensus, President Steitz to bring back an amended rule for consideration limiting Councilmembers to five minutes each.

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**UNSCHEDULED ORAL COMMUNICATIONS:**

**(3A) \*BILL NO. B-8 - ORDINANCE NO. 99-8 - AMENDING SECTION )**  
**9-804 OF THE FRESNO MUNICIPAL CODE RELATING TO PUBLIC )**  
**NUISANCE PAY TELEPHONES (REVISED BILL) - INITIATED BY COUNCIL- )**  
**MEMBER PEREA (CONTINUED FROM EARLIER IN THE MEETING) )**

Councilmember Ronquillo advised he had completely misunderstood comments by the Deputy City Attorney and requested the issue be reconsidered so he could change his vote.

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, reconsideration of the issue hereby approved, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, earlier adoption of the above entitled Ordinance No. 99-8 hereby reaffirmed, by the following vote:

Ayes : Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz  
Noes : Mathys  
Absent : None

**APPEARANCE BY LOUIE RUDD EXPRESSING CONCERN WITH COUNCIL'S )**  
**NON-USE OF POLICY/STAFF EXPERTISE AND "REACTIONARY" ACTION )**

Referencing the 9:45 a.m. item, Mr. Rudd expressed his dismay that the action taken earlier relative to traffic calming was more political in nature rather than an application of the technical analysis of the planning and traffic engineering departments and elaborated. There was no further discussion.

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President Steitz commended Controller Souza for filling in for City Manager Reid.

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**LUNCH RECESS - 11:45 A.M. - 2:37 P.M.**

**(2:30 P.M.) HEARING REGARDING CITY OF FRESNO COMMUNITY )**  
**FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 10 )**  
**1. RESOLUTION NO. 99-46 - ANNEXING TERRITORY TO CFD NO. 2 AND )**  
**AUTHORIZING THE LEVY OF A SPECIAL TAX )**

- 2. **RESOLUTION NO. 99-47 - CALLING A SPECIAL MAILED-BALLOT ELECTION** )
- 3. **RESOLUTION NO. 99-48 - DECLARING ELECTION RESULTS** )
- 4. **\*BILL NO. B-9 - ORDINANCE NO. 99-9 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 1999-2000 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 10** )

President Steitz announced the time had arrived to consider the issue and opened the hearing.

Upon question of President Steitz, Chief of Design Services Valenzuela stated the tax was approved 100% by the one property owner/developer.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Boyajian, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution Nos. 99-46, 99-47 and 99-48 hereby adopted; and the above entitled Bill No. B-9 adopted as Ordinance No. 99-9, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	Mathys
Absent	:	None

- - - -

(5:00 P.M.) APPEARANCE BY DAVID PEPPER, M.D., AND SEVERAL )  
 OTHER CONCERNED CITIZENS, TO REQUEST COUNCIL CONVERT )  
 VAN NESS AVENUE NORTH OF OLIVE TO A TWO-WAY STREET )  
(DISCUSSED AGAIN LATER IN THE MEETING) )

Councilmember Quintero advised he would have to leave at 5:30 p.m. to attend to a prior commitment. So noted.

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**CLOSED SESSION OF THE CITY COUNCIL:**

- (A.) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - )  
 GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - SIGNIFICANT )  
EXPOSURE TO LITIGATION: )
- 1. CLAIM OF SANTINO RAY YBARRA )
- 2. CLAIM OF JESUS YBARRA )
- 3. CLAIM OF C. W. ROEN CONSTRUCTION COMPANY )
- (B.) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE )  
 SECTION 54957.6 - COUNCILMEMBER PEREA: )  
EMPLOYEE ORGANIZATION: IBEW )

(C.) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - )  
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: )  
SAMUEL K. CONDUCTOR V. CITY OF FRESNO )

**CLOSED SESSION OF THE REDEVELOPMENT AGENCY:** )

(A.) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - )  
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: )  
REDEVELOPMENT AGENCY, ETC. V. ESTATE OF VARAZDAT SAMUELIAN, )  
MARK TOPOOZIAN, ET AL., FRESNO SUPERIOR COURT NO. 595841-8 )

The City Council and the Redevelopment Agency met in closed session in Room 2125 at the hour of 2:45 p.m. to consider the above issues. The City Council later reconvened in regular open session at 5:05 p.m. with Acting President Mathys absent for the remainder of the meeting.

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**CLOSED SESSION ANNOUNCEMENT** )

City Attorney Montoy announced in the matter of the Claims of Santino Ray Ybarra and Jesus Ybarra, the Council voted 6-1, with Acting President Mathys absent, to reject the claims.

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**(5:00 P.M.)** APPEARANCE BY DAVID PEPPER, M.D., AND SEVERAL OTHER )  
CONCERNED CITIZENS, TO REQUEST COUNCIL CONVERT VAN NESS )  
AVENUE NORTH OF OLIVE TO A TWO-WAY STREET )

President Steitz stated at issue this date was an appearance only by concerned citizens clarifying Council could not take any action due to the agenda title wording, advised Councilmember Quintero would have to leave at 5:30 p.m. due to a prior commitment, and read a statement from Acting President Mathys apologizing for his absence and indicating he supported bike lanes/paths and looking into the feasibility of converting Van Ness.

Dr. Pepper, representing the concerned citizens, requested staff look into ways to calm traffic on Van Ness, recommended a proposal to convert Van Ness north of Olive into a one-car-lane/one-bike-lane road rather than a two-way street, and gave a slide presentation on accidents, dangers on the section of Van Ness between Olive and McKinley adding there were also no crosswalks, need for bikelanes in the area, plans in place for a number of years, and support of the Tower committees.

Speaking in support of the proposal were: Winifred "Tish" Becker; Enrique Lopez, Tower Arts; Dan Pollard; William Milton, 1307 N. Calaveras; Brad Fitzhenry and Bill Keubler, 1437 N. College; Russell Johnston, 639 W. Simpson; and Michael Becker, 4839 N. Sunset. Councilmember Quintero left the meeting at 5:43 p.m.

Continuing in support were: Gene Richards, Critical Mass; Mark Stout, 706 N. Fulton; Larry Barber, 2603 E. Griffith Way, prior area resident; Judy Rogers, 1396 N. Van Ness; Barbara Rose, 633 N. Van Ness; George Tavares, 3035 S. Blythe; Fred Savala, 1234 N. Vagedes; Tony Barber, 4460 E Weldon; Mark Lasher, 366 N. Van Ness; Dr. Duesberg; Dr. Rodrigo Zurbiria; and Chanah Cossman CNM, NP, 366 N. Van Ness.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Councilmembers expressed their support and concurred in the need to address the issue, with Councilmember Ronquillo citing the need for a staff report on costs for conversion along with all relevant information for Council's consideration, and concurred with the recommendation to install a stop sign at Floradora in the interim. **(6 - 0)**

Brief discussion ensued with Councilmembers Ronquillo and Boyajian clarifying City officials and staff had been looking into the issue and that things were happening. Councilmember Bredefeld stated this was a city-wide issue and emphasized additional traffic enforcement officers were needed.

Councilmember Ronquillo reiterated a cost breakdown and staff report was needed on the proposal, and stated he would schedule on February 23<sup>rd</sup> the issue of directing staff to conduct a warrant study and report back in 30 days. Councilmember Perea requested Councilmembers Boyajian and Ronquillo submit a comprehensive timeline with President Steitz stating a staff report was needed before setting timelines on options. There was no further discussion.

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## ADJOURNMENT

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There being no further business to bring before the Council, the hour of 6:19 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Ken Steitz, Council President

ATTEST: \_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk